

MINUTES

BOARD OF ADJUSTMENT HEARING

December 9, 2015

ATTENDANCE

Board Members

ATTENDED

1. Bill Arendell
2. James Maloney (Telephonically)

ABSENT

Glen Johnson

Staff Attendance

1. David Whittaker
2. Jeanine Carruthers
3. Peggy Saunders
4. Cherie Camp
- 5.

Meeting held at the Board of Supervisors' Chambers, 100 E. Code Talker's Drive, Holbrook, Arizona
– Time: 10:04 A.M.

Chairman Bill Arendell called the meeting of the Navajo County Board of Adjustment to order at 10:04 a.m., and asked all present to stand for the Pledge of Allegiance.

ITEM #1 – CASE NUMBER 15-33: Request by David & Linnea Tow for a Variance from the R-2 Zoning District requirement of a 15-foot rear yard setback to a 5-foot rear yard setback on APN: 212-04-040, in Section 5, T9N, R22E, G&SRM, Navajo County, in the Lakeside area.

Mr. David Whittaker apologized regarding the staff report, a failure occurred to omit a disclosure of an additional required setback of 15 FT between the two buildings which was not listed on the original report, but he handed out a revised report to include the revision to 10 FT instead of 15 FT.

The proposed variance allows for a second dwelling on the same parcel which is allowed in the R-2 Zoning District. The parcel has topographical differences which create a placement difficulty for the property owner to comply with the R2 rear yard set-back and other setbacks.

The new dwelling is in compliance with setbacks in the zoning ordinance except as noted, and is in compliance with the 2003 International Residential Building Program. The property has peculiar conditions outlined in Article 28, Section 2802, Item 2, which would result in an unnecessary hardship for the property owner if the zoning ordinance were strictly applied. The parcel is large enough for an additional septic tank, leach field, and associated reserve leach field. The Public Works staff supports the variance. Staff received one question from an adjacent property owner, but they were in favor of allowing the Variance. The subject property is in the unincorporated Lakeside area, in R-2 Zoning. The reviewing agencies; County Attorney has no legal issues as long as applicant obeys all local, state, and federal regulations. Engineering has no objection providing all recommended stipulations are met. Flood Control – FEMA Floodplain map shows that this Property is not in floodplain. No objections as long as recommendations are met.

Staff stated this is an allowable use for the R-2 Zoning District. Planning Staff recommends approval of the proposed dwelling with two recommendations, should the board grant variance. 1) Building permits shall be obtained and 2) proof that a registered land surveyor has verified all setbacks prior to construction.

The applicant David Tow was present, and submitted supporting documentation. Due to topographical features of the parcel, they ran into problems with set-back requirements. They considered extending the existing structure in the front; and worked with a contractor, who told them it would be better if they went back to original idea of building behind the structure. With a 15' set-back requirement they wouldn't be able to achieve their goal. The information provided (including pictures) explain the reasons this adjustment is needed. The space between the retention wall and easements is where they want to build.

Chairman Bill Arendell and **James Maloney** agreed that the pictures are very self-explanatory and provide a clear and straight forward understanding. This is an allowable use based on the issues.

Chairman Bill Arendell called for any additional questions or comments. Mr. Tow provided information about the fence between neighbor and themselves. A registered surveyor came out and surveyed, will this survey this be acceptable? Mr. Whittaker asked whether or not he still had the survey. Mr. Tow was told that the gentlemen passed away and he hasn't been able to locate the survey. He plans on contacting American Fencing to receive a copy of the survey needed in order to install the fence. There are still markers. Mr. Whittaker stated he would need to see the survey.

Chairman Bill Arendell asked Mr. Tow if he understood that if the Survey is not found that they'll need to obtain another survey. Mr. Tow responded that he understood

Mr. James Maloney made a motion to approve the Variance with the stipulations stated by staff. The motion was seconded by **Chairman Bill Arendell**. The item was approved with a vote of 2 to 0.

ITEM #2 – APPROVAL OF MINUTES FROM OCTOBER 14, 2015 HEARING.

Chariman Bill Arendell made a motion to approve the minutes as written. The motion was seconded by **Mr. James Maloney**. The minutes were approved with a vote of 2 to 0.

ITEM #3 – BOARD MEMBER'S COMMENTS AND/OR DIRECTIONS TO STAFF.

Board Members may use this time to offer additional comments regarding any item on this agenda, or any other topic; and the Board may direct staff to study or provide additional information on topics of the Boards' choosing.

Mr. David Whittaker attended a seminar last Friday with Eric Oscarson, which was hosted by the "Arizona Urban Land Institute (ULI)". He received two handouts, a ULI promotional pamphlet and a copy of "Arizona Land Use Law", which is from Title 9, which has to do with cities, not Title 11 which is for Counties. He felt it would still be beneficial for the board for reference use with the headings along with research in Title 11 for similar statements. He will send out send copies to Mr. Maloney, and Glen Johnson

There were no questions from the Board, so **James Maloney** made a motion to adjourn the meeting. The motion was seconded by **Chairman Bill Arendell**. The motion was approved with a vote of 2 to 0.

Meeting adjourned at 10:22 a.m.

Approved this _____ day of _____, _____.

Navajo County Board of Adjustment

Bill Arendell, Chairman

ATTEST:

Secretary, Navajo County Board of Adjustment